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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SCHNEIDER, JOSHUA D	
ART UNIT	**PAPER NUMBER**
2182	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,025	KUBOTA, YOSHIYASU	
	Examiner	Art Unit	
	Joshua D. Schneider	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status RCE filed

1)☒ Responsive to communication(s) filed on *18 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 6, 11, and 16, have been considered but are moot in view of the new ground(s) of rejection.

2. Applicant has not provided a convincing argument that the any of the rejections have been overcome. With regards to the rejection under 35 USC 112, first paragraph, applicant has pointed blankly to paragraphs 0028-0032 of the specification. The claim language of the last limitation found in the last three lines of the claim still has not been found. There is nothing in the specification that indicates that the main unit *enables changing* if the code of the function written into the write area is the same as the code of the function read from the read area. The specification is quite clear that at this point, the function of the electronic device is already changed. The main unit may now recognize that the function has in fact been changed, but it is doing nothing to *enable changing of the requested function.* Therefore, the rejection under 35 USC 112, first paragraph, will not be withdrawn.

3. With regards to the arguments to the rejection under 35 USC 103(a), it is believed that the applicant is making an argument that is contrary to the teachings of specification. The Applicant's argument is based on the fact that the IC card of Richards does carries out the execution of the function processing, and not the main unit. It is clear from the specification that the IC card, or electronic device, of the specification also carries out the execution of the function (see paragraphs 0006 and 0031). It is up to the main unit only to recognize the function to be executed in the IC card in order to prevent errors. The main unit recognizes the function based on whether the function is executed or not executed. When the function is not executed,

the function data written by the electronic device does not match the data written by the main unit (paragraphs 31 and 32). This is also what Richards teaches. It is also inherent to Richards that there must be a read and write area in order for the system to be functional.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There is nothing in the specification that teaches changing a requested function in the code in the read and write area of the register matches.

6. All further objections and rejections are made in light of the specification as best understood in light of the previous objections and rejections.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-7 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards in further view of U.S. Patent 6,213,392 to Zuppicich.

9. With regards to claims 1, 6, 11, and 16, Richards teaches providing a removably connected electronic device (Fig. 2), having a register (memory, Fig. 3, element 110), having a write area and a read area (Fig. 1, and column 4, lines 42-65). Richards then teaches the reading of a code of a function (Fig. 7, and Fig. 5A, element 510, and column 7, lines 19-61). Richards also teaches detection of a requested function, by the comparing the function to the code of the function to be loaded with the functions already loaded in the electronic device (Fig, 5A, elements 520-531, and column 7, lines 19-61). This comparison is used to determine if the function is installed of not installed in the electronic device (Fig, 5A, elements 520-531, and column 7, lines 19-61). Richards does not explicitly teach a read and write are in the register (memory). However, it would have been obvious to one of ordinary skill in the art at the time of invention that the memory must have read and write areas in order to receive the new function command and compare the command against the directory of functions already in the card. Zuppicich teaches a main unit that reads s data string from an IC card and compares this data string to a stored cased application string, to identify the card application. If the application is matched, it is executed, and if it does not match, an error message identifying the command as uninstalled (unsupported) is returned (see Fig. 7, and claims 3-5). It would have been obvious to combine the function code checking of Richards with the function code matching of Zuppicich in order to identify the limitations of the card with respect the requested reader functions.

10. With regards to claims 2, 7, 12, and 17, Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time

of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the card operating system and the reader.

11. With regards to claims 3 and 13, Richards teaches the determination of a function to be executed after accessing the list at the predetermined address (column 7, lines 19-61).

12. With regards to claims 4 and 14, Richards teaches the determination of a function to be executed after accessing the list at the predetermined address (Fig. 5A, column 7, lines 19-61). Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the operating system.

13. With regards to claims 5, 10, and 15, Richards teaches the enablement of the execution of a function after the determination (column 7, lines 19-61).

14. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards as applied to claims 1-7 and 10-17 above, and further in view of U.S. Patent 6,574,677 to Song et al. Richards fails to teach the activation of a driver and the driver enabling the function to be executed. Song teaches the use of a driver for the configuration of the communication method to enable the use of a smart card (column 2, lines 18-25). The use of drivers to establish communication with storage media in media reading devices is common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the function determination of Richards with the driver enablement of Song to create a reader that can properly interface with media cards in a safe, secure, and reliable manner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS

KIM HUYNH
PRIMARY EXAMINER

9/1/05